

REMARKS/ARGUMENTS

Claims 13-18 and 26-31 are pending.

Claims 1-12, 19-25, and 32-39 have been cancelled.

Claims 40-48 have been added.

In the Office Action dated January 23, 2009, claims 13-18 and 26, 29, 31, and 32 were rejected under 35 U.S.C. § 103(a) as unpatentable over JP 2001313006 (Nishizaka); and claims 18, 27, 28, and 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nishizaki in view of U.S. Patent No. 6,868,229 (Balogh).

Withdrawn claims 1-12, 19-25 and 33-39 have been cancelled without prejudice to filing such claims in a divisional application.

Independent claim 13 has been amended to recite that the inhibitor message is recognizable by the image capture device and is to cause an image processor in the image capture device to perform an action to restrict processing of the portion of the image corresponding to the user. Support for this amendment of claim 13 can be found in at least the following passages of the specification: page 7, ¶ [0036] – [0037]; page 13, ¶ [0065] – page 14, [0068].

Claim 13 was rejected as purportedly obvious over Nishizaka. In the rejection of claim 13, the Office Action pointed to ¶ [0004] of Nishizaka. Although the Office Action did not attach a translated copy of Nishizaka (which is in the Japanese language), Applicant was able to find a machine-translated version of Nishizaka in the Japanese Industrial Property Digital Library, at [www.4.ipdl.inpit.go.jp](http://www.4.ipdl.inpit.go.jp) (copy attached). As explained in ¶ [0004] of Nishizaka, light of a long wavelength (infrared light) is emitted to cause glaring associated with a photographic subject such that the photographic subject cannot be captured. Paragraph [0006] of Nishizaka states that the device of the purported invention of Nishizaka “only irradiates with light,” which indicates that the irradiated light is what prevents the capture of the intended target.

The technique of Nishizaka is different from the subject matter of claim 13, which recites a portable inhibitor device for use by a user that has a transmitter of an inhibitor message for restricting processing, by an image capture device, of a portion of an image corresponding to the user of the user portable inhibitor device, where the inhibitor

message is recognizable by the image capture device and is to cause an image processor in the image capture device to perform an action to restrict processing of the portion of the image corresponding to the user. The irradiation of infrared light, as taught by Nishizaka, for basically blinding the image capture device of Nishizaka with respect to the intended target, is completely different from using a portable inhibitor device having a transmitter of an inhibitor message that is to cause an image processor in the image capture device to perform an action to restrict processing of the portion of the image corresponding to the user. In Nishizaka, because irradiation of the infrared light is used to basically render the intended target incapable of being imaged, there would be absolutely no need for using a transmitter of the inhibitor message recited in claim 13 for causing the image processor to perform the recited action.

Therefore, claim 13 is clearly non-obvious over Nishizaka, since a person of ordinary skill in the art would not have been led by Nishizaka to the claimed subject matter.

Independent claim 31 is allowable over Nishizaka for reasons similar to those of claim 13.

Independent claim 26 has been amended to recite an image capture system comprising:

- an image capture device, said image capture device including an image inhibitor component responsive to an inhibit signal transmitted by an inhibitor device carried by an object to restrict processing of a portion of an image captured by said image capture device,
- wherein said image capture device includes an encoder responsive to the inhibit signal detected by the image inhibitor component for encoding the portion of said image captured by said image capture device, said encoded image portion corresponding to an image of said object.

The amendment of claim 26 made by this paper is supported by at least the following passages of the specification: page 14, ¶ [0067]-[0068]; page 17, ¶ [0078].

Independent claim 26 was also rejected as purportedly obvious over Nishizaka. Nishizaka clearly does not provide any teaching or hint of an image capture device that includes an encoder that is responsive to the inhibit signal detected by an image inhibitor component of the image capture device for encoding a portion of the image captured by

the image capture device, where the encoded portion corresponds to an image of the object that carries an inhibitor device that transmitted the inhibit signal.

In Nishizaka, irradiating the infrared light basically blinds the image capture device in Nishizaka – there is absolutely no hint given of an encoder that is responsive to such infrared signal to encode a portion of the image captured by the image capture device, where the encoded portion corresponds to an image of the object that carries an inhibitor device that transmitted the inhibit signal.

Since a person of ordinary skill in the art would not have been led by Nishizaka to the claimed subject matter, it is respectfully submitted that claim 26 is also non-obvious over Nishizaka.

Independent claim 29 has been amended and recites an image capture system comprising:

- an inhibitor device adapted to be mounted on a host wearer for restricting processing of image data corresponding to said host wearer, wherein the inhibitor device is to transmit an inhibit message to an image capture device comprising an image inhibitor component for restricting processing of the image data corresponding to the host wearer within a captured scene image;
- wherein said inhibitor device is arranged for sending at least one image of the host wearer of said inhibitor device to said image capture device to cause said image capture device to use said at least one image of the host wearer for recognizing an image portion corresponding to said host wearer within said captured scene image.

The amendment of claim 29 is basically to improve its form; claim 29 now recites an image capture system that includes an inhibitor device having the features recited in claim 29.

Note that claim 29 recites that the inhibitor device (which is to transmit an inhibit signal to an image capture device) is arranged for sending at least one image of the host wearer of the inhibitor device to the image capture device to cause the image capture device to use the at least one image of the host wearer for recognizing an image portion corresponding to the host wearer, within the captured scene image. There is no teaching whatsoever that the device used for transmitting the infrared light in Nishizaka also sends

at least an image of the host wearer of the inhibitor device to the image capture device, as recited in claim 29.

Therefore, since a person of ordinary skill in the art would not have been led by Nishizaka to the subject matter of claim 29, claim 29 is non-obvious over Nishizaka.

Independent claim 30 has been amended and recites an image capture system comprising:

- an inhibitor device adapted to be carried by a host wearer for inhibiting processing of image data corresponding to said host wearer, wherein the inhibitor device is arranged to transmit an inhibit signal to an image capture device to cause the image capture device to restrict processing of image data corresponding to the host wearer,
- wherein said inhibitor device is arranged to send at least one image of the host wearer of said inhibitor device, to a third party computer entity, to cause said third party computer entity to use said at least one image of the host wearer for recognizing an image portion corresponding to said host wearer, within said captured scene image.

The amendment of claim 30 is supported by at least the following passages of the specification: page 18, ¶ [0082] – page 20, [0086].

Independent claim 30 was rejected as purportedly obvious over Nishizaka and Balogh. With respect to claim 30, there is absolutely no hint given anywhere in Nishizaka of an inhibitor device to send an image of a host wearer of the inhibitor device to a third party computer entity, as recited in claim 30. In the rejection of claim 30, the Office Action cited Balogh as disclosing the ability to use infrared light to inhibit illicit recording of an event. 1/23/2009 Office Action at 5. However, Balogh also provides no teaching or hint of an inhibitor device that is arranged to send an image of the host wearer of the inhibitor device, to a third party computer entity to cause the third party computer entity to use the image of the host wearer for recognizing an image portion corresponding to the host wearer.

Therefore, even if Nishizaka and Balogh could be hypothetically combined, the hypothetical combination of the references would not have led to the claimed subject matter. Claim 30 is therefore non-obvious over Nishizaka and Balogh.

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Dependent claims, including newly added dependent claims 40-48, are allowable for at least the same reasons as corresponding independent claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims are in condition for allowance which is hereby earnestly solicited and respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200207946-2).

Respectfully submitted,

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## DETAILED DESCRIPTION

[Detailed Description of the Invention]

[0001]

[Field of the Invention]Optical field[0002]

[Description of the Prior Art]The thing aiming at video voyeurism prevention has not been manufactured and sold yet. Conversely, the infrared irradiation device for video voyeurism is manufactured and sold.

[0003]

[Problem(s) to be Solved by the Invention]Generally a bugging device and a video voyeurism device appear on the market these days, the video voyeurism video of a park at night, and a fashion hotel and a toilet is sold, and there is admiration from which tapping and video voyeurism are a boom. They were commercialized and the tapping and victim side by whom video voyeurism was done has fallen into the grave situation of coming out to a commercial scene, while not knowing even the fact. Although some kinds of present tapping arresters are produced commercially and it is coming to be able to perform a certain amount of prevention, the anti-video voyeurism device has not been made yet. People made into what is called celebrities, such as an entertainer, announcer, and a sport-for-pay player, from the first, When a video voyeurism photograph, video voyeurism video, etc. which used the good citizen as the photographic subject appear on the market, in view of the actual condition which those who it is infringed on portrait rights or privacy and suffer damage are increasing, the necessity for an anti-video voyeurism device is important. For this reason, the device which can prevent video voyeurism convenient is needed for everyday life.

[0004]

[Means for Solving the Problem]Wavelength (visible light) of light which people can see is to about 780 nanometers in the longer one. However, there is a film of a television camera or a photograph to the range of 900-1000 nanometers, and there is light-receiving sensitivity to infrared wavelength longer than visible light. Then, if light of long wave length is made to emit light from 780 nanometers, although it is not visible to people, the light-receiving reaction will be carried out with a camera. By carrying out this infrared light more than a certain amount of strength, and glaring outside from a photographic subject, a photographic subject can be kept against photography with a video voyeurism camera. Photography of the range of a radius centering on an irradiation point of the light can be made impossible to photography from the direction-of-radiation (for example, head and thorax) front using a luminescence thing which emits infrared rays to a light source by drawing light to the photographic subject front with direct or an optical fiber. Structure is easy, leads infrared light to a light source for the light with a direct exposure or a fiber using an infrared-ray-emission object (an infrared lamp, infrared LED, or infrared laser), and only irradiates with it from a tip of a fiber. What is necessary is to attach a lens and just to adjust it, if there is a problem in an angle of aperture of a fiber.

[0005]

[Invention embodiment] Infrared LED (sign 1), infrared laser, or an infrared lamp is used as a light source. In using an optical fiber (sign 4), light of LED and an infrared lamp is

condensed with a mirror or a lens (sign 3), and it leads to an entrance of an optical fiber. In the case of laser, an outputted ray should just be doubled with an entrance of an optical fiber as it is. An exit of an optical fiber is brought ahead of a photographic subject, and it is made to irradiate with infrared rays (sign 7). An angle of aperture of an optical fiber is made into 40 to 60 degrees (sign 5).

[0006]

[Effect of the Invention] People who were worried about video voyeurism can protect portrait rights now, and video voyeurism is carried out until now and it comes to be infringed on portrait rights or privacy or to be able to lead a life in comfort. Since this device only irradiates with light, and it damages neither a human body nor a vessel, it can be used in comfort. The spread of an illegal video voyeurism photograph or video voyeurism videos can be restricted.